

REMARKS

The Examiner has restricted the claims of the invention into six groups, as indicated on page 2 of the Office Action.

Applicants provisionally elect, with traverse, to prosecute the claims of **Group III (Claims 74-81)**, directed to a fusion protein and pharmaceutical composition comprising the fusion protein. Specifically, Applicants traverse the restriction among Groups III, IV, V and I. With regard to the claims of Groups IV and V, these method claims require the use of the fusion protein of Group III. Therefore, Applicants submit that a thorough search for the subject matter of Group III will be sufficient to examine the claims of Group IV and/or Group V. Similarly, the method claims of Group I can include the use of a fusion protein of Group III and so a similar argument is presented with regard to this group. In any event, if the elected product claims of Group III are found to be allowable, Applicants reserve their right to amend the method Claims of Groups I, IV and/or V to be commensurate in scope with the product claims of Group III, and to request that such amended method claims that depend from or otherwise include all the limitations of the allowable product be rejoined and examined for patentability. In re Brouwer, 37 USPQ2d 1663 (Fed. Cir. 1996); In re Ochiai, 37 USPQ2d 1127 (Fed. Cir. 1995).

The Examiner has also required a species election with respect to Groups I and II, although Applicants believed that the species election was intended to apply to Groups I and III. Assuming that this is correct, then with respect to the election of Group III, Applicants elect, without traverse, to prosecute the species of human serum albumin (HSA) from Claim 75. All Group III claims read on the elected species. With regard to the Examiner's species election requirement, Applicants note that such a requirement is primarily, if not solely, intended to facilitate a search by the Examiner. Applicants note that the Examiner is obligated to examine the generic claims and submits that the scope of the claims of the present invention is not limited to the elected species.

Any inquiries regarding this response should be directed to the below-named agent at (303) 863-9700.

Respectfully submitted,
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